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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

MAY 86

5. Hazardous Waste Export Rule

A generator of spent lead-acid batteries will send the batteries to Taiwan for reclamation. The batteries exhibit the characteristic of EP toxicity, as defined in §261.24 for lead contamination. What RCRA regulations pertaining to export notification and/or record-keeping is the generator subject to currently? What regulations would the generator be subject to under the hazardous waste export regulations as proposed in the March 13, 1986 Federal Register (51 FR 8744)?

Section 266.80 of the current RCRA regulations (applicable to reclaimed spent lead-acid batteries) states that "[p]ersons who generate, transport, or collect spent batteries...but do not reclaim them are not subject to regulation under Parts 262 through 266..." Export notification requirements are presently found in §262.50 and generator recordkeeping requirements are in §262.40. Since this generator is exempt from Part 262, he is then not subject to the export notification or recordkeeping requirements.

The hazardous waste export regulations, as proposed, would not alter the current exemption in §266.80. However, EPA anticipates making a final regulatory determination on this issue and all other hazardous waste export regulations in late July 1986.

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